IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the 13th day of July 2005

Criminal Misc. Bail Application No.613/2005

Order on the bail application of accused

CRIMINAL SIDE

Mohd. Rashid
S/o Sri Abdullah
R/o village Bhadrakali
District Siligudi
Paschim Bangal .....Applicant

Versus

State of Uttaranchal .....Opposite Party

Arising out of case crime No.78/2005
U/s 302, 120-B & 115 I.P.C.
P.S. Raiwala
District – Dehradun

Hon'ble J. C. S. Rawat, J.

Heard Sri Vinod Sharma learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The case rests upon the circumstantial evidence. The incident took place on 19/20-9-2004 and the applicant was arrested on 1.11.2004 on the basis of the statement of co-accused. Thereafter, the discovery of weapon, which was used in the commission of offence, was made under section 27 of Evidence Act from the open place inside the bushes. It was contended that the place where the discovery was made is easily accessible for so many persons. As such, the discovery cannot be relied upon. There is no other incriminating circumstance against the applicant. Considering the facts and totality of the circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

Dated 13.07.2005 **(J.C.S. Rawat, J.)**

LSR